

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION  
CASE NO. 7:22-cv-03738-TMC-KFM

Kelly Dawsey,  
Plaintiff,

vs.

Bayerische Motoren Werke  
Aktiengesellschaft and BMW  
Manufacturing Co., LLC,  
collectively d/b/a "BMW Group",  
Defendants.

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DEPOSITION OF ROBERT ENGELHORN

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DATE TAKEN: May 4, 2023  
TIME BEGAN: 10:00 a.m.  
TIME ENDED: 2:48 p.m.  
LOCATION: Jackson Lewis, PC  
15 South Main Street, Suite 700  
Greenville, South Carolina 29601  
REPORTED BY: Traci L. Barr, RPR

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33 ALSO ATTENDING: Paul Lindemann, Kelly Dawsey

1 she can only put down words. So you may be very  
2 responsive and being polite and everything, but  
3 unless there is words, we don't have a full  
4 response. So if I point to one of those little  
5 microphones, that's my little cue to you to  
6 please put into words whatever you'd like your  
7 response to be. Okay?

8 A. [Deponent nods head.]

9 Q. Dr. Engelhorn, I want to start with the series of  
10 moves that happened in HR in Spartanburg in 2021,  
11 and I'd like to start with Ms. Petrasch's move.  
12 Why did Christine Petrasch return to Germany?

13 A. Normal proceeding specifically for international  
14 assignments lasts from seven to three years --  
15 three to seven years, and one point in time after  
16 you're ending the contract, you return to another  
17 position, and this might be elsewhere in the  
18 world. This could be Germany, could be  
19 everywhere.

20 Q. How many years was Ms. Petrasch the vice  
21 president of HR for Spartanburg operations?

22 A. She did it over four years, almost four years.

23 Q. And did she have a contract that said she would  
24 be in that position for four years?

25 A. Sure.

1 Q. And does she have to return after that four  
2 years, then, when her contract is up?

3 A. What do you mean, return?

4 Q. To Germany.

5 A. That's what I meant. This could be -- it could  
6 be even extension in the US. It could be other  
7 appointment internationally, UK. In her specific  
8 case, she went to Dingolfing, a small town in  
9 Germany where BMW plant is located.

10 Q. Who made the decision that Ms. Petrasch would  
11 leave Spartanburg and go to this plant in  
12 Germany?

13 A. I think the decision is up to BMW because the  
14 assignment ended, and, therefore, there is then  
15 the upcoming decision what to do next, and there  
16 was a position to fill, and a decision was made  
17 by superiors in Germany, supported by the board.

18 Q. Okay. The board of what?

19 A. BMWAG.

20 Q. Did you have any role in the decision to have  
21 Ms. Petrasch leave BMW Manufacturing in  
22 Spartanburg?

23 A. Sure.

24 Q. Okay. What was your role?

25 A. My role was precisely to have here a proper

1 Ilka Horstmeier.

2 Q. When you say, "the board of BMW," are you  
3 referring to the board of BMWAG?

4 A. Yes, sir.

5 Q. And with whom on the board of BMWAG did you  
6 discuss how to fill the position of TX6 in 2021?

7 A. With Ilka Horstmeier.

8 Q. Ilka?

9 A. Horstmeier.

10 Q. It's Ilka -- is that the first name?

11 A. Ilka is the first name.

12 Q. Okay. Anybody else from the board of BMWAG that  
13 you consulted with on the decision of filling the  
14 TX6 position in 2021?

15 A. It was -- it was as of information my boss.

16 Q. Who is your boss?

17 A. Milan Nedeljkovic.

18 Q. Anyone else, sir?

19 A. No.

20 Q. Was Sherry McCraw listed on the succession plan  
21 for the TX6 position?

22 A. Yes.

23 Q. Who else was listed on the succession plan for  
24 the TX6 position?

25 A. A couple of other international candidates, which

1 Q. Well, was the meeting with Ms. McCraw and  
2 Ms. Petrasch the first time you had a discussion  
3 with anybody about Ms. Burgmeier coming to TX60?

4 A. With anybody?

5 Q. Yes, sir.

6 A. No. It was discussed before.

7 Q. When was it discussed before?

8 A. It was discussed with Christine Petrasch and with  
9 Germany.

10 Q. Who in Germany?

11 A. It was with Barbara Burghardt and Ilka  
12 Horstmeier.

13 Q. I got Ilka Horstmeier. Who was the first one?

14 A. Barbara Burghardt.

15 Q. Okay. And when was that discussion?

16 A. September.

17 Q. Okay. Was it a phone discussion, e-mails?

18 A. It was mainly on the phone.

19 Q. How many conversations did you have with Germany  
20 about Eva Burgmeier coming to TX60?

21 A. I don't know exactly.

22 Q. Was it more than one?

23 A. Yes.

24 Q. Who suggested the name Eva Burgmeier for the  
25 position?

1 A. Eva Burgmeier was international candidate willing  
2 to move for the company in different entities.  
3 She was an international candidate seen on the  
4 horizon.

5 Q. But who first mentioned her as a possibility for  
6 TX60?

7 A. I think it was in the HR department. Barbara  
8 Burgmeier.

9 Q. Ms. Burgmeier is BMWAG?

10 A. Barbara?

11 Q. Barbara -- I may have missaid it.

12 A. Barbara Burghardt. Sorry.

13 MR. MOODY: Burghardt.

14 THE DEPONENT: I was wrong.

15 EXAMINATION RESUMED

16 BY MR. MURPHY:

17 Q. I may have thrown you off.

18 A. All these Bs. It's Barbara Burghardt and Eva  
19 Burgmeier.

20 Q. Yes, sir. That probably was my fault.

21 And Ms. Burghardt is head of human resources in  
22 Germany; is that correct?

23 MR. MOODY: Objection to form.

24 EXAMINATION RESUMED

25 BY MR. MURPHY:

1 Q. Well, what do you understand Ms. Burghardt's  
2 position to be?

3 A. She's heading human resources Germany and  
4 international.

5 Q. What do you mean by international?

6 A. To cope with the activities of international  
7 facilities of BMW.

8 Q. Were there any domestic or local candidates  
9 considered for the TX60 position awarded to  
10 Ms. Burgmeier?

11 A. We had to look -- we looked for them, but the  
12 most suitable one was Eva Burgmeier.

13 Q. Who did you look at?

14 A. We looked at the succession planning list, but  
15 there was no suitable candidate on it. To whom  
16 we looked, I cannot recall.

17 Q. Who was on the succession planning list for TX60?

18 A. I don't recall.

19 Q. Eva Burgmeier was not on that list, was she?

20 A. I don't recall, but she was international  
21 candidate.

22 Q. Kathy Keiser was on that list, wasn't she?

23 A. I don't recall.

24 Q. Did you review the succession plan for TX60?

25 A. We discussed the succession plan internally with



1       how to qualify the people, this is a worldwide,  
2       common global need, and also in terms of how many  
3       people you need maybe for this one other  
4       operation is a common alignment needed and vital.  
5       Therefore, this link with several meetings  
6       weekly, monthly is absolutely necessary to cope  
7       with the upcoming changes.

8       We, as BMWMC, we deliver daily 1500 vehicles, and  
9       we have to launch at least every year one car,  
10      and to really be trained, skilled to build this  
11      car, they have to be here worldwide international  
12      alignment, and that's why it is vital to have  
13      here one excellent candidate to play this network  
14      function.

15 Q.   My question was, how does TX60 -- well, let me  
16       back up.

17       Does TX60 interact with the BMWAG people in  
18       Germany?

19 A.   On a regular basis.

20 Q.   On a regular basis?

21 A.   Absolutely.

22 Q.   How regular?

23 A.   Sometimes daily calls. More than daily, weekly,  
24       monthly.

25 Q.   On what types of things does TX60 regularly

1 communicate with Germany?

2 A. As I said, we are worldwide global network. We  
3 have a common production system, so at least the  
4 process, how to build the car, the car quality is  
5 on the same level worldwide. Therefore, we need  
6 to align on the skills, on the training for each  
7 and every associate. Specifically, also, what I  
8 told you, this 1.7 billion dollar investment  
9 which we made here we also made in other entities  
10 and locations worldwide. It's, again, vital to  
11 not invent the wheel in every country in the same  
12 way. We need one common standard, and,  
13 therefore, in terms of having standards with  
14 training, recruiting is absolutely necessary to  
15 be on the page.

16 Q. And who sets those standards for training and  
17 recruiting?

18 A. It's a common and aligned standard on a worldwide  
19 basis, so all the plants are the standards  
20 together. For sure, there are local needs with  
21 regards to laws and regulation, and the final  
22 responsibility, anyhow, because we are a legal  
23 entity, is within BMWMC.

24 Q. Does Ms. Burgmeier communicate with people in  
25 Germany on issues other than issues within TX60?

1 and, therefore, we need to align with  
2 international production network on this.

3 Q. Did you speak to anybody in Germany about hiring  
4 Eddie Bailey in TX64?

5 A. No.

6 Q. Did you speak to anybody in Germany about hiring  
7 Mr. Bailey's successor in TX64?

8 A. No.

9 Q. Did you speak to anybody in Germany about putting  
10 Scott Medley on special project or assignment?

11 A. Yes.

12 Q. Who did you speak to in Germany about that?

13 A. It was Uwe Bald --

14 Q. And who is she?

15 A. -- and Barbara Burghardt.

16 Q. Was the other name Uwe?

17 A. Bald.

18 Q. Can you spell that last name, please?

19 A. B-A-L-D.

20 Q. And who is Uwe Bald?

21 A. He's in the first line of Barbara Burghardt  
22 responsible for HR production network.

23 Q. And why were you speaking to them about putting  
24 Scott Medley on special assignment?

25 A. I look at project, and also, by the way, the

1 Q. That's close?

2 A. Absolutely, sir.

3 Q. All right. Do you report to anyone other than  
4 Mr. Nedeljkovic?

5 A. No.

6 Q. And is Mr. Nedeljkovic the head of the T circle?

7 A. He's head of production.

8 Q. Does that make him head of the T circle?

9 A. He's -- I don't know the legal form. He's head  
10 of production. That's his title, and I don't  
11 know if he is head of the T circle. He's at  
12 least part of it.

13 Q. Are you a member of the T circle?

14 A. Yes, sir.

15 Q. Who else are members of the T circle?

16 A. Others are essential functions in Munich, like  
17 planning, logistics. It is about technical  
18 integration, meaning car development. There are  
19 development business partners of finance, HR, and  
20 other plant director.

21 Q. Are you saying members of HR are part of the T  
22 circle?

23 A. They are sitting in the T circle, but they report  
24 to other entities.

25 Q. They report to a P circle, right?

1 A. Exactly. I don't know if they report to the P  
2 circle. They report to the P department.

3 Q. The P department?

4 A. Yeah.

5 Q. Okay. Is there anyone in Spartanburg who is a  
6 member of the T circle other than yourself?

7 A. I am the only one.

8 Q. Is there any member of the P circle in  
9 Spartanburg?

10 A. No.

11 Q. Does BMWMC have a board of directors?

12 A. No. Maybe I can -- what do you mean by board of  
13 directors? An advisory board, what is the legal  
14 term here?

15 Q. Okay. So does BMWMC have an advisory board?

16 A. No.

17 Q. Does BMWMC -- well, let me back up.  
18 You understand that BMWAG has a board of  
19 management?

20 A. Yes, sir.

21 Q. Okay. Does BMWMC have a board of management?

22 A. Yes, sir.

23 Q. Okay. Who is on the board of management?

24 A. Me and my first line.

25 Q. Okay. That would be the level 2s?

1 A. Exactly.

2 Q. Does BMWAG have a supervisory board?

3 A. Yes.

4 Q. What's the relationship of a supervisory board to  
5 a board of management?

6 A. In AG?

7 Q. Yes, sir.

8 A. They are consulting, serving, as described in the  
9 German law. You have to ask the lawyers as of  
10 the details.

11 Q. What's the highest board or form of governance at  
12 BMWAG? Is it a board of management or a  
13 supervisory board?

14 A. It's described in the German law how to set up a  
15 stock company, supervisory board and a board of  
16 management.

17 Q. Okay. Does BMWMC have a supervisory board?

18 A. No.

19 Q. Do you hold any positions at any other BMW  
20 entities other than BMWMC?

21 A. No.

22 Q. Do you report to any entity other than BMWAG?

23 A. No.

24 Q. Are you aware of any corporations between BMWAG  
25 and BMWMC?

1 A. MC is a fully-owned subsidiary of BMWAG.

2 Connections, we have to ask the lawyers and the  
3 finance guys.

4 Q. But are you personally aware of any connections,  
5 other than BMWMC being a fully-owned subsidiary  
6 of AG?

7 A. BMW is a fully-owned subsidiary of BMWMC.

8 Q. I think you might have gotten that backwards.

9 MR. MOODY: It's okay. MC is a subsidiary of AG.

10 THE DEPONENT: Did I say otherwise?

11 MR. MOODY: Yes.

12 THE DEPONENT: Okay. Thanks for the correction.

13 (Discussion held off the record.)

14 EXAMINATION RESUMED

15 BY MR. MURPHY:

16 Q. Other than your understanding that BMWMC is a  
17 fully-owned subsidiary of BMWAG, you're not aware  
18 of any other relationships between BMWMC and  
19 other corporate entities between BMWMC and BMWAG?

20 MR. MOODY: Objection to form.

21 THE DEPONENT: There are certain legal and finance  
22 bindings with other entities which I'm not aware  
23 of details. You have to ask our lawyers.

24 EXAMINATION RESUMED

25 BY MR. MURPHY:

1 Q. But there are no other layers of management  
2 between you and BMWAG?

3 A. No.

4 Q. And who appointed you as president of BMWMC?

5 A. It was my boss' proposal to the board of  
6 management of BMWAG.

7 Q. So Mr. Nedeljkovic?

8 A. Yeah.

9 Q. You brought up before ideas of contracts and so  
10 forth.

11 How long are you planning to be in your current  
12 position as president of MC?

13 A. My plan, I think I am refer to the company's  
14 needs. The company put me in this position.  
15 Therefore, if the company sees any other duties  
16 for myself, then I will go there.

17 Q. When you say, "company," you're referring to  
18 BMWAG?

19 A. BMWAG, yes, sir.

20 Q. So there is no current plan for you to leave as  
21 president of MC?

22 A. No.

23 Q. Prior to becoming president of BMWMC, had you  
24 ever worked in the United States before?

25 A. No. Work means with a contract working, right?



1 the COVID pandemic.

2 Q. What does people releases?

3 A. People release?

4 Q. Termination of people, firing people?

5 A. Not firing.

6 MR. MOODY: Furloughs.

7 THE DEPONENT: Furloughs.

8 MR. MOODY: That's a translation issue.

9 THE DEPONENT: Sorry for my bad English.

10 EXAMINATION RESUMED

11 BY MR. MURPHY:

12 Q. No, I don't mind that at all.

13 Did Ms. McCraw describe to you what her issue was  
14 with how furloughs were handled?

15 A. No.

16 Q. What was your perception of how furloughs were  
17 handled during the pandemic?

18 A. I cannot comment because I was in Munich.

19 Q. Let's talk a little bit about that.

20 What was -- let me see. I may have -- I guess I  
21 don't have any detail on it.

22 The position you held immediately before becoming  
23 president of MC was with what entity in Munich?

24 A. I don't understand the question. Entity?

25 Q. Corporation, company.

1 A. It was in BMWAG.

2 Q. Okay. And was that the Munich plant that you  
3 were at right before you came here?

4 A. Yes, sir.

5 Q. Okay. What is a lead plant?

6 A. A lead plant is responsible for the launch of the  
7 product, responsible to sort out all the  
8 product-related topics, and also responsible to  
9 set up a proper plan to orchestrate with  
10 standards the launch in the partner plants.

11 Q. I just missed the last few words after  
12 orchestrate.

13 A. Orchestrate and guide the launches of new  
14 products in the partner plants.

15 Q. Is Spartanburg a lead plant?

16 A. Yes, sir.

17 Q. What are Spartanburg's partner plants?

18 A. Our partner plants are South Africa and China.

19 Q. And is the South Africa plant part of BMWMC?

20 A. No. Their own legal entity.

21 Q. Is the China plant part of BMWMC?

22 A. No. It's also own legal entity. But I -- also,  
23 as my boss is from AG, I am responsible for Plant  
24 South Africa.

25 Q. You're responsible for the plant in South Africa.

1 in Woodruff that you have been working on the  
2 planning and the staffing for.

3 Do you recall that?

4 A. Yes, sir.

5 Q. Is the battery assembly plant in Woodruff part of  
6 BMWMC?

7 A. Yes, sir.

8 Q. Is the logistics center part of BMWMC?

9 A. Operated by a third-party company, yes.

10 Q. You made several mentions today of the 1.7  
11 billion dollar investment.

12 Is that 1.7 billion dollars of BMWMC money?

13 A. It's of BMWAG money, which will be transferred.

14 Q. Does BMWMC have its own profit and loss  
15 statement?

16 A. Have to ask our finance guys. There are other  
17 issues, tax payment, legal stuff.

18 Q. Well, does BMWMC have its own profit numbers?

19 A. No.

20 Q. So you don't know how much profit the BMWMC plant  
21 in Spartanburg makes?

22 A. I think we get -- we have revenue over 18 billion  
23 US dollars, and we have fixed price setting, but  
24 I think together with AG, but it's part of a  
25 financial framework which we have to ask our

1 finance guys.

2 Q. Okay. The BMWMC plant generates 18 billion in  
3 revenue?

4 A. More or less.

5 Q. Is that what it made last year in revenue?

6 A. Somehow.

7 Q. Have you been given any idea of how much of that  
8 revenue is profit or how much profit BMWAG  
9 attributes to the BMWMC operations?

10 A. What I can say that BMWMC is one of contract  
11 manufacturer and fully-owned subsidiary, has a  
12 big contribution to the BMW earnings due to the  
13 high amount of value of our car and also the  
14 higher revenue with regards to smaller cars.

15 Q. Do you have a rough idea of what percentage of  
16 BMWAG profit is attributable to BMWMC?

17 A. No.

18 Q. If we took 2022 as an example, do you know what  
19 the operating expenses for BMWMC totaled?

20 A. We have a budget over 1 billion US dollar to run  
21 this plant.

22 Q. Okay. So we know we have revenues of 18 billion  
23 and an expense budget of 1 billion, correct?

24 MR. MOODY: Objection to form.

25 You can answer.

1 THE DEPONENT: Only operating cost.

2 EXAMINATION RESUMED

3 BY MR. MURPHY:

4 Q. 1 billion operating cost. Is that what you're  
5 saying?

6 A. Yeah.

7 Q. Do you know of anything that would go into a  
8 profit number other than your revenue minus your  
9 operating costs?

10 A. It's part of the overall AG finance, and we have  
11 to ask our finance guys.

12 Q. Okay. When you say, "our finance guys," are you  
13 referring to the finance guys in Germany?

14 A. Germany and also in the US, but the profit and  
15 loss of BMWAG have to be asked from Germany.

16 Q. Have you heard the number 25.85 billion as being  
17 the profit of BMWAG for last year?

18 A. Please repeat.

19 Q. Is it your understanding that BMWAG's profit for  
20 last year was approximately 26 billion dollars?

21 MR. MOODY: Objection to form.

22 THE DEPONENT: I cannot recall. I cannot answer. I  
23 have to look for the finance report. A lot of  
24 factoring figures in my head.

25 MR. MURPHY: At this time, sir, I want to thank you for